

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**CHARLES WILSON AND WIFE,
LAURA WILSON,
Plaintiffs,**

v.

**RYCOLINE PRODUCTS, et al.
Defendants.**

§ **Civil Action No. 2-06CV-286**

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§ **JURY DEMANDED**

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**DEFENDANT ASHLAND INC., INDIVIDUALLY AND F/K/A ASHLAND OIL &
REFINING COMPANY AND ASHLAND OIL INC.'S
SUPPLEMENT TO PRELIMINARY TRIAL WITNESS LIST**

TO: Plaintiffs Charles and Laura Wilson by and through their attorneys of record Colleen A. Clark, Michael E. Schmidt and Keith E. Patton of Schmidt & Clark, 2911 Turtle Creek Blvd., Suite 1400 Dallas, Texas 75219 and F. Leighton Durham, III and Kirk L. Pittard of Durham & Pittard, LLP, P.O. Box 190310 Dallas, Texas 75219

Ashland Inc., Individually and f/k/a Ashland Oil & Refining Company and Ashland Oil Inc., ("Ashland") a defendant in the above referenced case, hereby supplements its preliminary identification of Trial Witnesses in accordance with Federal Rule of Civil Procedure 26A(3)(a) and by Court order. This identification is preliminary and Defendant Ashland reserves the right to supplement it. Defendant Ashland hereby identifies the following trial witnesses which Ashland expects to or may call at the trial of the above-referenced matter (see attached Exhibit "A" hereto which is incorporated herein by reference as though fully set forth herein).

Respectfully submitted,

By: /s/Ricky A. Raven
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CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P. 5(b), this is to certify that a true and correct copy of Defendant Ashland Inc.'s Preliminary Trial Witness List has been served upon all counsel of record by the Court mandated electronic filing system on this 17th day of September, 2007.

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FPBOT CORPORATION***

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***COUNSEL FOR THIRD-PARTY DEFENDANT
FRANKSTON PACKAGING COMPANY, L.P.***

/s/ Ricky A. Raven
Ricky A. Raven

EXHIBIT A

Defendant Ashland Inc.'s Preliminary Trial Witness List

Defendant Ashland reserves the right to supplement this list of Trial Witnesses should additional witnesses be identified before trial. To the extent that a witness expresses an opinion at trial or in discovery that has not been divulged prior to the time that this designation was served on counsel and which creates a need for additional areas of rebuttal testimony or proof, Defendant Ashland reserves the right to supplement this identification.

I. Defendant Ashland expects to present the following persons as witnesses at the time of trial:

Ethan A. Natelson, M.D.

- Defendant Ashland's retained expert

Wayne R. Snodgrass, M.D., Ph.D.

- Defendant Ashland's retained expert

John W. Spencer, CIH, CST

- Defendant Ashland's retained expert

Gerhard K. Raabe, M.D.

- Defendant Ashland's retained expert

Tom Keenan

- Ashland Inc.

Buddy Whitlock

- Ashland Inc.

David Pemberton

- Ashland Inc.

Paul Webb

- Ashland Inc.

Karen Murphy

- Ashland Inc.

Doug Sullivan

- Ashland Inc.

Clark Scott

- Ashland Inc.

II. Defendant Ashland may present the following persons, either live or through deposition testimony, as witnesses at the time of trial should the need arise:

Charles Wayne Wilson, Sr. - Plaintiff

- Defendant Ashland may call Mr. Wilson as an adverse witness to question him regarding the factual bases for Plaintiffs' claims.

Laura Wilson - Plaintiff

- Defendant Ashland may call Mrs. Wilson as an adverse witness to question her regarding the factual bases for Plaintiffs' claims.

Mark Nicas, Ph.D., MPH, CIH

- Plaintiffs' Retained Expert Witness

Peter F. Infante, D.D.S., Dr.P.H.

- Plaintiffs' Retained Expert Witness

Dr. Richard A. Parent, Ph.D., D.A.B.T., F.A.T.S., R.A.C., E.R.T.

- Plaintiffs' Retained Expert Witness

Dale Funderburk, Ph.D.

- Plaintiffs' Retained Expert Witness

Dr. Thomas H. Mayor, Professor, University of Houston, University Park

- Dr. Mayor may be called to offer testimony regarding damage issues, issues of economics and exemplary damages, the alleged lost earning capacity of Plaintiffs, and the alleged loss of support sustained by the Plaintiffs.

Aubrey Underhill

- Employee, supervisor, and co-worker of Mr. Wilson at the Frankston Paper Box Company facility

Edwin Adcock

- Frankston Paper Box Company Plant Manager from September 2003 - October 2006

Norm Bullock

Kyle Eldred

- Owners of Frankston Paper Box Company and/or Frankston Packaging Company, L.P. a/k/a Frankston Paper Box Company of Texas, Inc

Dr. Charles Haas

- Charles Wilson's treating physician

Custodian of Records for Dr. Charles Haas

- Charles Wilson's treating physician

Unidentified Corporate Representative(s) and employees of Frankston Packaging Company, L.P.

- Former employer of Plaintiff

Custodian of Records for Frankston Packaging Company, L.P.

- Former employer of Plaintiff

Unidentified Corporate Representative(s) and Employees of FPBOT, Corp.

- Former employer of Plaintiff

Custodian of Records for FPBOT, Corp.

- Employer of Plaintiff

Bill McCamm

- Plant manager for Frankston Paper Box Company facility who hired Charles Wilson to work at the Frankston facility

Dave Tiechmann

- General manager for Frankston Paper Box Company facility: approximately 2001-2003

Duane Odom

- Employee and salesman for Frankston Paper Box Company facility

Patrick Debusk

- Employee and designer at Frankston Paper Box Company facility

Mark Wilkins

- Employee and quality control manager at Frankston Paper Box Company facility

Jason Jacobs

- Employee and cutting supervisor at Frankston Paper Box Company facility

Charlie Montrose

- Employee of Frankston Paper Box Company facility

Troy House

- Employee and helper to Mr. Wilson at Frankston Paper Box Company facility

Joyce McClain

- Employee of Frankston Paper Box Company

Michael Warren

- Employee and co-worker with Mr. Wilson at Frankston Paper Box Company facility

Jay Taylor

- Employee and first pressman with Mr. Wilson at Frankston Paper Box Company facility

O.J. Boatfield

Tony Muddle

James McBride

Kenny Patterson

- Employees and co-workers with Mr. Wilson at Frankston Paper Box Company facility

Randy Burshett

- Employee and gluer operator at the Frankston Paper Box Company facility

Barbara Reeves

- Employee, bookkeeper and customer service at the Frankston Paper Box Company facility

Tracy Black

Michelle Hutchins

Cindy Pace

- Employees in purchasing department at the Frankston Paper Box Company facility

Les Johnson

- Employee of Frankston

Shop Rite Foods, Inc. - Custodian of Records (Personnel and Payroll) c/o Registered Agent G. Nash Lamb

- Former employer of Plaintiff

George Consolidated, Inc. - Custodian of Records (Personnel and Payroll) c/o LD George

- Former employer of Plaintiff

Pepsi-Cola Company- Custodian of Records (Personnel and Payroll)

- Former employer of Plaintiff

Precision Inspection, Inc.- Custodian of Records (Personnel and Payroll) c/o Joe Sink, Jr.

- Former employer of Plaintiff

Texas Sanitation Co. - Custodian of Records (Personnel and Payroll)

- Former employer of Plaintiff

United Stevedoring Corporation- Custodian of Records (Personnel and Payroll)

- Former employer of Plaintiff

Metils, Inc. - Custodian of Records (Personnel and Payroll) c/o Linda Lundgren

- Former employer of Plaintiff

Naylor Industries Inc.- Custodian of Records (Personnel and Payroll) - c/o William Naylor

- Former employer of Plaintiff

Aerojet-General Corporation - Custodian of Records (Personnel and Payroll)

- Former employer of Plaintiff

Big Three Industries, Inc. - Custodian of Records (Personnel and Payroll) c/o Corporation Services Company

- Former employer of Plaintiff

Superior Insulation Company - Custodian of Records (Personnel and Payroll) c/o Registered Agent Roy Jacobie, Jr.

- Former employer of Plaintiff

East Texas Drilling Company, Inc. - Custodian of Records (Personnel and Payroll) c/o B. Keith Bristow

- Former employer of Plaintiff

Unidentified Corporate Representatives, Custodians of Records, and/or Current/Former Employees of the Texas Natural Resources Conservation Commission

- May have records of materials at the Frankston facility

Unidentified Corporate Representatives, Custodians of Records, and/or Current/Former Employees of Safety-Kleen

- May have records of materials at the Frankston facility

Gary E. Gross, M.D.

- Charles Wilson's treating physician

Custodian of Records for Gary E. Gross, M.D.

- Charles Wilson's treating physician

**Custodian of Records/Representative of
Mother Francis Hospital**

- Charles Wilson's treating physician

Dr. Gary Babbitt

- Charles Wilson's treating physician

Custodian of Records for Dr. Gary Babbitt

- Charles Wilson's treating physician

Dr. David Johnson

- Charles Wilson's treating physician

Custodian of Records for Dr. David Johnson

- Charles Wilson's treating physician

Employees of Dr. David Johnson

- Medical provider

Custodian of Records of Azalea Orthopedics and Sports Medicine Clinic

- Medical provider

**Unidentified Corporate Representative and Employees of Azalea Orthopedics and
Sports Medicine Clinic**

- Medical provider

Custodian of Records of Cardiovascular Consultants of Tyler

- Medical provider

**Unidentified Corporate Representative(s) and Employees of Cardiovascular
Consultants of Tyler**

- Medical provider

Custodian of Records of Robert J. Carney, M.D.

- Medical provider

Employees of Robert J. Carney, M.D.

- Medical provider

Custodian of Records of Family Healthcare of East Texas

- Medical provider

**Unidentified Corporate Representative(s) and Employees of Family Healthcare of
East Texas**

- Medical provider

Pathology Associates of Tyler, P.A. – medical provider

- Andrew D. Kulaga, M.D.
- Arthur W. Zieske, M.D.

Custodian of Records for Pathology Associate of Tyler, P.A.

- Medical Provider

Unidentified Corporate Representative(s) and Employees of Pathology Associates of Tyler, P.A.

- Medical provider

Custodian of Records of Pulmonary Associates of East Texas

- Medical provider

Unidentified Corporate Representative(s) and Employees of Pulmonary Associates of East Texas

- Medical provider

Quest Diagnostics

- R.E. Reitz, M.D. – treating physician

Custodian of Records of Quest Diagnostics, Inc.

- Medical provider

Unidentified Corporate Representative(s) and Employees of Quest Diagnostics, Inc.

- Medical provider

Thomas Lyles, M.D.

- Medical provider

Custodian of Records of Thomas Lyles, M.D.

- Medical provider

Unidentified Corporate Representative(s) and Employees of Thomas Lyles, M.D.

- Medical provider

Richard Kronenberg, M.D.

- Medical provider

Custodian of Records for Richard Kronenberg, M.D.

- Medical provider

Custodian of Records of Trinity Clinic

- Medical provider

Unidentified Corporate Representative(s) and Employees of Trinity Clinic

- Medical provider

Custodian of Records of Trinity Mother Francis Clinic – Lake Palestine

- Medical provider

Trinity Cardiology

- David Dick, M.D. – treating physician
- Roderick B. Meese, M.D. – treating physician
- Unidentified employees – provided medical care

Custodian of Records of Trinity Cardiology

- Medical Provider

Trinity Mother Francis Clinic – Lake Palestine

- Unidentified Corporate Representative and Employees – medical providers
- Charles E. Jones, M.D. – treating physician
- Sam Raborn, M.D. – treating physician
- Carrie Moore - Custodian of Records
- Ann Calvert-White - Custodian of Billing Records

Trinity Mother Francis Hospital - medical providers

- Robert J. Carney, M.D.
- Bill J. Wright, M.D.
- Royal Becker, M.D.
- Kevin Short, M.D.
- Mark Anderson, M.D.
- David Hector, M.D.
- Charles D. Haas, M.D.
- Edward Dominguez, M.D.
- Peter K. Meyers, M.D.
- Lazel B. Augustus, M.D.
- Paul J. Lim, M.D.
- Robert Gaddy, M.D.
- Pete Andrews, M.D.
- Doug Macha, M.D.
- Kent Walker, M.D.
- Ralph Gutierrez, M.D.
- Thomas Arnold, M.D.
- E. Stroupe, M.D.
- Unidentified employees

Custodian of Records for Trinity Mother Francis Hospital

- Laura Thompson - Custodian of Medical Records
- Leavern Walker Custodian of Billing Records

The Trinity Clinic Pulmonary Disease Division

- Lazel Augustus, M.D. – treating physician
- Unidentified employees – medical provider

Custodian of Records for The Trinity Clinic Pulmonary Disease Division

- Medical Provider

Tyler Radiology Associates

- E. Maxey Abernathy, M.D. – treating physician
- Unidentified Employees – medical providers

Custodian of Records for Tyler Radiology Associates

- Medical Provider

Tyler Cardiovascular Consultants

- David A. Hector, M.D. – treating physician
- Frank Navetta, M.D. – treating physician

Custodian of Records for Tyler Cardiovascular Consultants

- Medical Provider

East Texas Orthopedics

- M. Joseph Shepherd, M.D. – treating physician
- Unidentified employees – healthcare providers

Custodian of Records for East Texas Orthopedics

- Medical Provider

Family Healthcare of East Texas

- Julie T. Haygood, M.D. – treating physician
- Unidentified employees – health care providers

Custodian of records for Family Healthcare of East Texas

- Medical Provider

Custodian of Records of M.D. Anderson Cancer Center

- Medical provider

Unidentified Corporate Representative(s) and Employees of M.D. Anderson Cancer Center

- Medical provider

Custodian of Records of East Texas Medical Center at Athens

- Medical provider

Unidentified Corporate Representative(s) and Employees of East Texas Medical Center at Athens

- Medical provider

Linda S. O'Brien

- Medical provider

Custodian of Records of Linda S. O'Brien, M.D.

- Medical provider

Employees of Linda S. O'Brien, M.D.

- Medical provider

Custodian of Records of Urology Tyler/Stanton Champion, M.D.

- Medical provider

Unidentified Corporate Representative(s) and Employees of Urology Tyler/Stanton Champion, M.D.

- Medical provider

Custodian of Records of Mutual of Omaha Insurance Company and/or United of Omaha Life Insurance Company

- Insurer

Unidentified Corporate Representative(s) and Employees of Mutual of Omaha Insurance Company and/or United of Omaha Life Insurance Company

- Insurer

Custodian of Records of Blue Cross Blue Shield of Texas

- Insurer

Unidentified Corporate Representative(s) and Employees of Blue Cross Blue Shield of Texas

- Insurer

Heritage Health Plans

- Insurer

Custodian of Records of Trustmark Companies

- Insurer

Texas Department of Assistive and Rehabilitative Services- Disability Determination Services Plan

- Paul Zapata
- Unidentified employees
- Custodian of records

Unidentified Corporate Representative(s) and Employees of Trustmark Companies

- Insurer

Custodian of Records of Metils, Inc.

- Former employer

Unidentified Corporate Representative(s) and Employees of Metils, Inc.

- Former employer

Custodian of Records of Kellogg Brown & Root

- Former employer

Unidentified Corporate Representative(s) and Employees of Kellogg Brown & Root

- Former employer

Custodian of Records of Texas Workforce Commission

- Benefits provider

Unidentified Corporate Representative(s) and Employees of Texas Workforce Commission

- Benefits provider

Steven Donnell, Custodian of Records of Social Security Administration

- Benefits provider

Unidentified Corporate Representative(s) and Employees of Social Security Administration

- Benefits provider

Custodian of Records of Blood and Cancer Center of East Texas

- Sherry Wells

Unidentified Corporate Representative(s) and Employees of Blood and Cancer Center of East Texas

- Medical provider

Custodian of Records, Unidentified Corporate Representative(s), and Employees of Texas Workers Compensation Commission – Division of Workers' Health & Safety, including Ed Blakemore

- Investigated work environment

Custodian of Records, Unidentified Corporate Representative(s), and Employees of Texas Department of Health – Toxic Substances Control Division – Hazard Communication Branch

- Investigated work environment

Custodian of Records, Unidentified Corporate Representative(s), and Employees of Anchor Risk Management Services, Inc., including Joyce A. Witham

- Investigated work environment

III. Additional Witnesses

Defendant Ashland reserves the right to call any and all treating physicians, custodians of records, hospitals and other healthcare providers of Charles Wilson identified in Plaintiffs' responses to discovery, depositions, and medical records obtained from said treating physicians, hospitals, and other healthcare providers, including but not limited to any and all appropriately qualified documents custodians as to Plaintiffs' medical records, and all records made or kept by such witnesses. These witnesses and exhibits will relate to the course of Charles Wilson's medical treatment, any and all health conditions suffered by Charles Wilson, and the diagnosis and causes of Charles Wilson's illness.

Defendant Ashland reserves the right to call any and all witnesses identified at any time in any way in discovery in these actions by Plaintiffs, and any and all witnesses necessary to provide rebuttal evidence. By this designation, Defendant Ashland does not agree that such witnesses are qualified, or necessarily agree with any of their opinions. Defendant Ashland simply makes this designation in order to have the ability to use or elicit testimony or cross-examination from such person.

Defendant Ashland reserves the right to call any person designated by any other party in this case as an expert witness, whether or not such party is still a party at the time of trial as well as all expert witnesses listed by Plaintiffs, custodians of records of any and all physicians, health care facilities, hospitals, clinics and health care providers who have treated or examined Charles Wilson in this case who may have records concerning Charles Wilson, and any physician who has examined and/or treated Charles Wilson not identified.

Defendant Ashland explicitly designates all expert witnesses designated by any defendant in this case, whether or not that defendant is still a party at the time of trial.

Defendant Ashland designates any expert witness deposed in this case.

Defendant Ashland designates any physician or records custodians, who have examined, treated, and/or evaluated Charles Wilson.

Defendant Ashland designates any doctor, records custodians, or medical provider identified by Plaintiffs in deposition testimony or any discovery response.

Defendant Ashland designates any and all health care providers and records custodians, not listed, who have examined or treated Charles Wilson.

Defendant Ashland designates any other witnesses not listed whom Plaintiffs have named, or current and/or former Defendants in this litigation, as adverse witnesses.

Defendant Ashland reserves the right to amend and supplement this response as additional information is located.